

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

U.S. Bank National Association,)
as Trustee, successor-in-interest to)
Bank of America, N.A., as Trustee,)
successor to Wells Fargo Bank, N.A.,)
as Trustee for the registered holders of)
Wachovia Bank Commercial Mortgage)
Trust, Commercial Mortgage Pass-Through)
Certificates, Series 2005-C22,)
by and through its Special Servicer)
CWC Capital Asset Management, LLC)

Plaintiff)

v.)

SRA Augusta SPE, LLC,)
Paris Augusta SPE, LLC,)
ZAK Augusta SPE, LLC,)
SPC Augusta SPE, LLC and)
Pendleton Augusta SPE, LLC)

Defendants)

Case No. 16-cv-00410-JDL

**CONSENT ORDER DISCHARGING RECEIVER
AND DISMISSING MATTER WITH PREJUDICE**

Based upon the consent and agreement of the parties, this Court hereby finds and orders as follows:

It is **ORDERED** that:

1. This Court's Amended Order Appointing Receiver (Doc. No. 29) be and hereby is vacated.
2. Boulos Property Management is hereby discharged as the appointed Receiver (hereinafter referred to as "Boulos" in its capacity as Receiver).

3. Within a reasonable time, Boulos shall turn over to the Defendants accounting records sufficient to show the status of tenant payments during the receivership, status of amounts paid and due to vendors and other third parties to whom the Boulos has made or owes payment as a result of the Receivership, and to the extent that these materials are in Boulos' possession, leases, security deposits of leases (if any), operating licenses, keys, pass codes and all other tangible items relating to the operation of the Property, regarding the Key Plaza, located at 286 Water Street, Augusta, Maine (the "Property"), with cost for such efforts to be paid out of Property income.

4. Within a reasonable time, Boulos shall turnover all excess funds not required to pay outstanding amounts due from Boulos and any amounts due to Boulos, including those amounts referenced in Paragraph 3, above, held by it as Receiver to Defendants, and Boulos shall close any bank accounts that Boulos opened in its capacity as Receiver in this action after its Final Accounting has been approved.

5. Boulos shall deliver to Defendants any checks or other payments from tenants or other parties relating to the Property or operations thereon that Boulos may subsequently receive, to the extent that such payments are not needed to outstanding amounts due from Boulos and any amounts due to Boulos.

6. Boulos shall no longer have any of the powers granted to it as Receiver by this Court's prior Order with respect to operation of the Property. Boulos may exercise those powers as necessary to wind up its affairs as Receiver and prepare a Final Accounting.

7. Boulos shall file its final report with this Court within forty-five (45) days along with any other outstanding reports required by prior Order of this Court.

8. This matter be and hereby is dismissed with prejudice and without costs to any party.

SO ORDERED.

Dated: May 8, 2017

/s/ Jon D. Levy
U.S. DISTRICT JUDGE

CONSENTED TO:

Dated: May 3, 2017

/s/ W. Scott O'Connell
W. Scott O'Connell, Esq.

NIXON PEABODY LLP
900 Elm Street, 14th Floor
Manchester, NH 03101-2031
Tel: 603-628-4000

Attorneys for Plaintiff U.S. Bank National Association, as Trustee successor-in-interest to Bank of America, N.A., as Trustee, successor to Wells Fargo Bank, N.A., as Trustee for the registered holders of Wachovia Bank Commercial Mortgage Trust, Commercial Mortgage Pass-Through Certificates, Series 2005-C22 acting by and through its Special Servicer CW Capital Asset Management, LLC

Dated: May 3, 2017

/s/ David C. Johnson
George J. Marcus, Esq.
David C. Johnson, Esq.

MARCUS | CLEGG
One Canal Plaza, Suite 600
Portland, ME. 04101
Tel: 207.828.8000

Attorneys for Defendants
Pendleton Augusta SPE, LLC
ZAK Augusta SPE, LLC
SRA Augusta SPE, LLC
SPC Augusta SPE, LLC and
Paris Augusta SPE, LLC